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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,496	11/21/2003	Jean-Francois Saint Etienne	245503US41X DIV	7608
22850	7590	11/15/2007		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER	
			CEHIC, KENAN	
		ART UNIT	PAPER NUMBER	
		2616		
		NOTIFICATION DATE	DELIVERY MODE	
		11/15/2007	ELECTRONIC	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/717,496	SAINT ETIENNE ET AL.
	Examiner Kenan Cehic	Art Unit 2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 21 November 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-10 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date 02/23/2004.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

## DETAILED ACTION

### *Specification*

The disclosure is objected to because of the following informalities:

On page 2, “(Jitter In)<sub>i</sub> i”, in [0005] (expression), is not clear. It is not clear if the expression corresponds to the multiplication of (Jitter In)<sub>i</sub> and I or if it is just one variable. Thus similarly, for claim limitation “(Jitter In)<sub>i</sub>” in [0009], it is not clear what is meant in regards to the inequality.

On page 2, “(max frame duration) i” in [0010], is not clear. It is not clear what the “i” indicates, since in the inequality only a “(max frame duration)” variable is present.

Appropriate correction is required.

### *Claim Objections*

1. Claims 1-10 are objected to because of the following informalities:

For claim 1 and 6, the mathematical inequality, in lines 7-8, should be written in one line, for better understanding.

For claim 1 and 6, the claim limitation “a virtual link i” in line 14 seems to refer back to “a virtual link i” in claim 1, lines 12-13. If this is correct it is suggested to applicant to change this to –said virtual link i--.

Claims 2-5,7-10 are objected since they depend on objected claims.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1-10 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

For claims 1 and 6, the claim limitation “(Jitter In)<sub>i</sub>” is not clear. It is not clear if the expression corresponds to the multiplication of (Jitter In)<sub>1</sub> and I or if it is just one variable. Thus similarly, for claim limitation “(Jitter In)<sub>i</sub>” in claim 1 line 14, it is not clear what is meant in regards to the inequality.

For claim 1 and 6, the claim limitation “latency” in line 8 is not clear. It is not clear to what the latency belongs to /of what the latency is a property of. It is not clear if it applicant is referring latency within a switch or latency of the network.

For claim 1 and 6, the claim limitation “(max frame duration)<sub>i</sub>” in line 17, is not clear. It is not clear what the “i” indicates, since in the inequality only a “(max frame duration)” variable is present.

Claims 2-5, 7-10 are rejected since they depend on rejected claims.

#### *Allowable Subject Matter*

Claim 1-10 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action. Furthermore, the objections set forth in this office action need to be addressed.

For claim 1 and 6, prior art fails to teach exact expression in which the latency of a switch is defined. The closes prior art Sugano et al. (US 5,381,404) discloses an

expression of latency with most of the claimed variables, however the exact expression is not taught.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US-5,381,404 A	01-1995	Sugano et al.	370/238
US-5,565,924 A	10-1996	Haskell et al.	348/423.1
US-2002/0181506 A1	12-2002	Loguinov, Dmitri	370/473
US-6,560,230 B1	05-2003	Li et al.	370/395.42
US-6,735,192 B1	05-2004	Fried et al.	370/352
US-2004/0233931 A1	11-2004	Cohen, Ron	370/468
US-6,850,491 B1	02-2005	Firoiu et al.	370/235
US-6,937,562 B2	08-2005	Farley et al.	370/230
US-6,954,426 B2	10-2005	Suominen, Jukka	370/230
US-7,072,295 B1	07-2006	Benson et al.	370/230
US-7,116,639 B1	10-2006	Gail et al.	370/252
US-7,164,680 B2	01-2007	Loguinov, Dmitri	370/394

The above are recited to show system/methods with latency/delay considerations/calculations.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenan Cehic whose telephone number is (571) 270-3120. The examiner can normally be reached on Monday through Friday 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kwang Yao can be reached on (571) 272-3182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KWANG BIN YAO  
SUPERVISORY PATENT EXAMINER

KC

A handwritten signature in black ink, appearing to read "Kwang Bin Yao".